



# Code of Conduct

For the prevention of sexual exploitation  
and abuse, fraud and corruption, and abuse of power

## Diakonia

Member of the

ACT Alliance

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**1. Introduction**

Personnel at Diakonia’s country, regional and head offices are personally and collectively responsible for upholding and promoting the highest ethical and professional standards in their work. Everyone has a commitment to prevent sexual exploitation and abuse, fraud and corruption and abuse of power. This also applies to board members when representing Diakonia and temporary personnel such as consultants and volunteers during their mission with Diakonia.

The management on all levels have a responsibility to ensure that all personnel are aware of this Code of Conduct, that they understand what it means in concrete behavioural terms and how it applies to their programme context.

Diakonia implements work unconditionally, without any intention of influencing people’s religious affiliation, and do not support proselytising activities. Diakonia supports people irrespective of culture, gender, sexual orientation, age, functional abilities, ethnicity and political persuasion and has also signed the International Federation of Red Cross and Red Crescent Societies Code of Conduct<sup>1</sup>.

The Diakonia Code of Conduct includes both the Act Code of Conduct<sup>2</sup> and the “Recommended Code of Conduct” which has been worked out by the Swedish network for Rules and Codes of Conduct. The network consist of representatives from the Swedish Ministry of Foreign Affairs, the Swedish Rescue Service Agency, the Swedish National Courts Administration, the Swedish National Criminal Investigation Department, Sida, the Swedish Armed Forces, The Kvinna till Kvinna Foundation, Forum Syd, Save the Children and the Swedish Red Cross.

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<sup>1</sup> <http://www.ifrc.org/en/publications-and-reports/code-of-conduct/>  
<sup>2</sup> <http://www.actalliance.org/resources/policies-and-guidelines/codes-of-conduct/>

## **2. In general**

The Code of Conduct outlines the key responsibilities of all Diakonia personnel in relation to respect for the welfare and rights of the people with whom they work in the development and humanitarian context. It is designed to assist personnel to better understand the obligations placed upon their conduct, as to prevent the following: Sexual Exploitation and Abuse (SEA), all forms of harassment, fraud and corruption, security breaches, and unethical business practices.

Therefore, all Diakonia personnel shall at all times:

- respect and promote fundamental human rights without discrimination.
- treat all communities with whom we work (including crisis-affected populations, Internally Displaced Persons IDPs and refugees), fairly and with respect, courtesy, dignity and according to International Laws and Standards
- promote the implementation of the Code of Conduct by contributing towards the creation and maintenance of an environment that prevents sexual exploitation and abuse, abuse of power and corruption.
- report immediately any knowledge, concerns or substantial suspicions of breaches of the Code to her/his manager and/or senior management of the head office(or following procedures established by the organisation's complaints mechanisms), who is expected to take prompt investigative action.
- be aware that failure to disclose or knowingly withhold information about any reports, concerns or substantial suspicions of breaches of this Code of Conduct constitutes grounds for disciplinary measures.
- feel protected by Diakonia's commitment to providing a safe environment through which to voice a concern, without fear of reprisal or unfair treatment as articulated in Diakonia's Complaints Policy<sup>3</sup>.
- uphold the highest standards of accountability, efficiency, competence, integrity and transparency in the provision of goods and services in the execution of their job.
- cooperate when requested with any investigation into alleged breaches related to this Code.

## **3. Sexual exploitation and abuse**

All forms of sexual exploitation and abuse are prohibited, as are all forms of sexual contact with child. By child is meant, in accordance with the definition in the UN Convention on the Rights of the Child, any person under the age of 18. In countries, where it is a legal obligation to report to the national police, allegations of child abuse, or sexual exploitation and abuse, the Diakonia management should take into consideration whether, how and when to inform national authorities. The survivor's view shall be sought, as people who report abuse may be at risk from the police in some countries.

Sexual exploitation and abuse is one form of Gender-Based Violence. Sexual Exploitation and Abuse can occur in any development or humanitarian setting. In humanitarian crises, however, the dependency of affected populations on humanitarian agencies for their basic needs creates an additional ethical responsibility and duty of care on the part of all personnel, to protect stakeholders in all situations.

Diakonia personnel shall while on duty and off duty:

- understand that sexual exploitation and abuse by personnel involved in development and humanitarian work constitute acts of gross misconduct and are therefore grounds for termination of employment.
- never engage in any sexual activity with child/children regardless of the age of majority or age of consent locally. Sexual activity with children is prohibited. Mistaken belief in the age of a child is not a way to defend oneself.

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<sup>3</sup> Incident report guidelines on the Diakonia Intranet

- not accept, solicit or engage in the "buying" of or profiting from sexual services. This is applicable to personnel both within and outside of working hours.
- never exploit the vulnerability of any target group in the context of development and humanitarian work, especially women and children, or allow any person/s to be put into compromising situations.
- know that the exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour is prohibited. This includes exchange of assistance that is due to beneficiaries.
- never abuse a position to withhold development or humanitarian assistance, or give preferential treatment; in order to solicit sexual favours, gifts, payments of any kind, or advantage.
- given the increased vulnerability of populations in crisis situations, personnel's are prohibited from engaging in sexual relationships with members of crisis-affected populations since such relationships are based on inherently unequal power dynamics and undermine the credibility and integrity of humanitarian aid work.
- when working with children, avoid actions or behaviour which may constitute poor practice and never act in ways that may place a child at risk of abuse.
- in countries where Diakonia undertake long-term development work, an employee who engages in a long-term sexual relationship with a member of the community which is benefiting from a programme, and/or with another employee, is encouraged to inform his or her manager about the relationship to prevent the perception of a conflict of interest.

#### **4. Harassment**

Diakonia personnel shall never commit any act or form of harassment as it results in physical, sexual or psychological harm or suffering to individuals, especially women and children. Diakonia does not tolerate any form of workplace violation such as harassment (including sexual, gender and racial harassment), bullying and discrimination, that is, any unwelcome comment or behaviour that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behaviour that fails to respect the dignity of an individual.

Diakonia personnel shall:

- treat everyone with dignity and respect in the workplace. Speak with civility and kindness, listen carefully, and consider other's wellbeing.
- never commit any act or form of harassment as it causes physical, sexual, psychological or emotional harm or suffering to individuals, especially women, children and people with disabilities.
- never engage in any behaviour, deliberate or otherwise, that makes the recipient feel persecuted, vulnerable and powerless.
- understand what constitutes harassment, recognise early signs of sexual, gender and racial harassment (among others) and take swift action to prevent and resolve.
- understand what constitutes bullying, empower personnel that are affected by it, develop strategies for reducing and stopping it, and take necessary disciplinary action against those found to have committed an act or form of harassment.
- violent, harassing or discriminatory behaviour of any kind directed toward another person in the workplace or in the communities with whom Diakonia works is unacceptable and shall not be tolerated. This includes communities with whom Diakonia works.

## 5. Fraud and corruption

Diakonia has a zero-tolerance approach to fraud and corruption as articulated in Diakonia's Anti-corruption guidelines<sup>4</sup>. Diakonia personnel shall never take advantage of their position when working with communities, partners or other stakeholders.

Diakonia personnel shall:

- not contribute to corruption by giving bribes or receiving them, either in form of money or other benefits, which are intended to give you advantages in relation to others.
- promote a culture of honesty and openness among Diakonia personnel and management.
- be transparent in all work-related financial transactions.
- never steal, misuse or misappropriate funds or property, ensuring that financial and other resources are used solely for the intended purposes. This applies also to any other income generated such as any interest received/earned on the funds.
- never engage in "non-arm's length transactions"<sup>5</sup>, or check forgery, money laundering, taking of commissions and influencing tender process for improper benefit and theft.
- create a work environment where communities and personnel can safely and confidentially raise and report all serious concerns about suspected fraud and corruption.
- never knowingly support individuals or entities involved in illegal activities.
- never deliberately destroy, falsify, alter or conceal evidence material to an investigation or make false statements to investigators in order to materially influence or impede investigations into corrupt, fraudulent, coercive or collusive allegations.
- conduct all business in accordance with internationally accepted practices and procedures and uphold the highest standards of accountability and transparency in relations to finances, management and governance, where relevant.

## 6. Unethical business practices

Diakonia personnel shall:

- always follow transparent, accountable and honest practices when receiving cash donations from the public earmarked for humanitarian or development purposes.
- never use or accept a bribe in the form of money, goods and or services to secure a contract for services when dealing with suppliers in any development or humanitarian work
- never take part in activities that generate personal, organisational or collective profit such as buying or selling when such activities may affect or appear to affect Diakonia's credibility or integrity
- never share in the profits or budget leftovers as kickbacks, cuts or discounts for personal or organizational benefits
- declare any known or potential conflicts of interest to their employer (e.g. direct relationship with service providers or suppliers of goods for Diakonia programmes, etc.)
- never accept any gifts or other favours that may influence the performance of personnel functions or duties. Gifts are defined as, but not limited to: services, travel, entertainment, material goods, among others. In order to respect national and local traditions and conventional hospitality, minor token gifts such as pens, calendars, desk diaries, etc. can be accepted.
- never use illegal labour, child labour and forced labour in any work area
- always pay compulsory State taxes and comply with national business law and international standards.

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<sup>4</sup> <https://intranet.diakonia.se/admhandbook/Wiki>

<sup>5</sup> A non-arm's length transaction means a transaction made by somebody who is doing this for someone else, who buys or sells something and don't want to be transparent and show his/her name or intentions. These types of transactions are usually done to hide irregularities.

- always strive for the highest health, safety and environmental standards in all programme work.
- ensure, where possible, that goods purchased are produced and delivered under conditions that do not involve the abuse or exploitation of any persons and have the least negative impact on the environment.
- never use or distribute known unsafe products or supplies in any development or humanitarian setting.

## **7. Competing activities**

Diakonia personnel shall:

- not carry out work nor directly or indirectly conduct competing activities for another company or organisation.
- not undertake assignments or activities that can affect their work negatively. If any personnel intend to undertake an assignment or a spare time job of a more extensive nature, consult with nearest manager before doing so.
- In case an employee receives any kind of remuneration for doing something in the name of Diakonia, for example giving a lecture, the remuneration shall go to Diakonia.

## **8. Organised crime**

Diakonia personnel shall:

- avoid all forms of contact with organised crime. This includes everything from trading in cheap capital goods on the black market to the indirect support of trade in people. Concerning trade in people, so-called trafficking, you shall be aware that trade in people does not only occur with the intention of sexual exploitation, but also occurs with regard to such things as domestic help and gardening help and other areas.

## **9. Pornography**

Diakonia personnel shall:

- keep your workplace clear of all pornographic material. Nor may you use technical equipment, computers, etc. that your organisation provides for looking at pornographic material or disseminating it. All dealings with child pornography are totally prohibited, including outside the workplace.

## **10. Alcohol**

Diakonia personnel shall:

- have a restrictive approach to alcohol and the consumption of alcohol. During work consumption of alcohol is only permitted in exceptional cases: official dinners and similar events. In connection with driving, consumption of alcohol is totally prohibited.

## **11. Preparations classified as narcotics**

Diakonia personnel shall:

- avoid all forms of involvement or contact with preparations classified as narcotics are prohibited, except within the framework of the assignment, and thus included in service, for example, within healthcare and action against narcotics, or refer to medicine on prescription for one's own use.

## **12. Security breaches**

Diakonia places the security and safety of all personnel and those with whom we work as a top priority and will strive to do all that it reasonably can to ensure that personnel are secure as they go about their work. Security is an individual as well as an organisational responsibility.

Diakonia personnel shall:

- never use or possess weapons or ammunition of any kind while on duty
- never drive a vehicle while on duty under the influence of alcohol or any illegal substance and comply with the laws of the country in which they are working in relation to both.

### **13. Complaints and Disciplinary Procedures**

Violation of this Code of Conduct will not be tolerated and may, in accordance with relevant legislation, lead to internal disciplinary actions, dismissal or even criminal prosecution.

All Diakonia personnel have a responsibility to handle and respond to any allegations of misconduct they receive. Breaches of the Code of Conduct should be reported immediately to senior management in line with Diakonia's Incident report system. False accusations will be subject to disciplinary action.

### **14. Reporting on sensitive issues**

Reporting can sometimes involve sensitive issues. The employee who files an Incident Report has therefore always a right to protection. When there is a need for confidentiality and to make sure the reporting procedure will be as protected as possible, reports shall be sent to Human resources department<sup>6</sup> independently of the issue it concerns. Diakonia encourages all employees to report and alert on incidents, and likes to encourage employees to state their name in an Incident Report. Anonymous reports are difficult to follow up.

### **15. Understanding and signing the Code**

The employee, board member, consultant or volunteer below has read, understood and is in agreement with the content of this document. The signatory accepts the consequences of any violation of any of the above provisions under this Code of Conduct. Annex 2.

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<sup>6</sup> Procedures may change when Diakonia's complaints mechanism is established

## Annex 1: Key terms and definitions

**Abuse of power:** Abuse of power includes any abusive behavior (physical, psychological, sexual or emotional) by a person in a position of authority and trust against someone in a position of vulnerability and/or dependency.

**Bullying** is aggression expressed psychologically and emotionally rather than physically. The term is used to describe a repeated pattern of negative intrusive violent behavior against one or more targets and comprises constant trivial fault-finding criticism, refusal to value and acknowledge, undermining, discrediting and a host of other behaviors<sup>7</sup>.

**Discrimination:** Discrimination means exclusion of, treatment of, or action against an individual based on social status, race, ethnicity, color, religion, gender, sexual orientation, age, marital status, national origin, political affiliation or disability.

**Child:** A person under age 18 (a child according to the definition in the Convention for the Rights of the Child, CRC).

**Corruption** is the “offering, giving, soliciting or acceptance of an inducement or reward which may improperly influence the action of any person”

**Fraud** is an intentional distortion, deceit, trickery, and perversion of truth or breach of confidence, relating to an organization’s financial, material, or human resources, assets, services and/or transactions, generally for the purpose of personal gain or benefit. Fraud is a criminal deception or the use of false representations to gain an unjust advantage.

**Harassment:** Harassment means any unwelcome comment or behavior that is offensive, demeaning, humiliating, derogatory, or any other inappropriate behavior that fails to respect the dignity of an individual. Harassment can be **committed by** or **against** any member of the community with whom we work, partners, employee, vendor or other individual visiting or doing business with an agency (see definition of sexual harassment further below).

**Gender based violence (GBV):** “Any harm that is perpetrated against a person's will; that has a negative impact on the physical or psychological health, development, and identity of the person; and that is the result of gendered power inequities that exploit distinctions between males and females, among males and among females. Although not exclusive to women and girls, GBV principally affects them across all cultures. Violence may be physical, sexual, psychological, economic, or sociocultural<sup>8</sup>.” Gender-based violence may manifest in numerous ways: domestic violence, battering, rape and marital rape, female genital mutilation, torture, trafficking, and forced prostitution, dowry-related violence, marriage and in certain cases, violence perpetrated or condoned by the state.

**Sexual abuse:** Sexual abuse is actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive conditions;

**Sexual exploitation:** Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power or trust, for sexual purposes, including, but not limited to, profiting monetarily, sexually or politically from the sexual exploitation of another (UN SG Bulletin, 9 October 2003). In these situations, the potential victim believes she/he has no other choice than to comply; this is not consent and it is exploitation. Some examples include, but are not limited to:

- Humanitarian/development worker demanding (or accepting) sex in exchange for material assistance, favours, or privileges.
- Teacher insisting on (or accepting) sex in exchange for passing grade or admission to class.
- Refugee leader demanding (or accepting) sex in exchange for favours or privileges.
- Security worker insisting on (or accepting) sex in exchange for safe passage.
- Driver demanding (or accepting) sex to give a female person a seat in the vehicle.

<sup>7</sup> Adapted from <http://www.bullyonline.org/workbully/mobbing.htm> - website of the National UK Workplace bullying advice line

<sup>8</sup> Ward, Jeanne. (2002). *If Not Now, When? Addressing Gender-Based Violence in Refugee, Internally Displaced and Post-Conflict Settings*. New York: The Reproductive Health in Conflict Consortium.



Exploitation is using one's position of authority, influence or control over resources, to pressure, force or manipulate someone to do something against their will or unknowingly, by threatening them with negative repercussions such as withholding project assistance, not approving an employee's work support requests, threatening to make false claims about an employee in public, etc.

**Sexual harassment:** Sexual harassment means any unwelcome sexual advance, comment, expressed or implied sexual demand, touch, joke, gesture, or any other communication or conduct of a sexual nature, whether verbal, written or visual, by any person to another individual within the scope of work. Sexual harassment may be directed at members of the same or opposite sex and includes harassment based on sexual orientation. Sexual harassment can occur between any one or more individuals, employee or beneficiary, regardless of their work relationship.

**Survivor or victim** – the person who is, or has been, sexually exploited or abused. This term implies strength, resilience and the capacity to survive.

**Protection:** Ensuring that individual basic human rights, welfare and physical security are recognized, safeguarded and protected in accordance with international standards.

**Workplace violence:** Any incident, in which a person is abused, threatened or assaulted in circumstances relating to their work. These behaviours would originate from customers, co-workers at any level of the organization. This definition would include all forms of harassment, bullying, intimidation, physical threats/assaults, robbery and other intrusive behaviours (ILO).



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### Understanding and signing the Code

The employee, board member, consultant or volunteer below has read, understood and is in agreement with the content of this document. The signatory accepts the consequences of any violation of any of the above provisions under this Code of Conduct.

Signature	Employer's representative's <sup>9</sup> signature
Name in print	Name in print
Date and place	Date and place

<sup>9</sup> The Manager within Diakonia who has the right to sign employment contracts.